

PATENT

Serial No. 09/821,060

Amendment in Reply to Office Action mailed on May 2, 2007

REMARKS

This Amendment is being filed in response to the Office Action dated May 2, 2007, which has been reviewed and carefully considered.

In the Office Action, the Examiner indicates that Claims 2, 4, 21-22, 24-25 and 27 are allowable if rewritten in independent form. Applicant gratefully acknowledges the indication that Claims 2, 4, 21-22, 24-25 and 27 contain allowable subject matter. By means of the present amendment, Claims 2, 21, 24 and 27 have been rewritten in independent form and accordingly are allowable. It is therefore respectfully requested that Claims 2, 21, 24 and 27 be allowed. Claims 4, 22 and 25 depend from one of allowable Claims 2, 21 and 24. Accordingly, it is respectfully requested that Claims 4, 22 and 25 also be allowed.

In the Office Action, Claim 21 is objected to for an informality. Claim 21 is amended to address the alleged informality. Further, the claims have been reviewed in detail and other informalities noted upon review of the claims where addressed. By these amendments to the claims, the claims were not amended to address issues of patentability and Applicant

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respectfully reserves all rights under the Doctrine of Equivalents. With the above-noted changes, it is respectfully submitted that the claims are in proper form and accordingly, withdrawal of the objection based on the alleged informality is respectfully requested.

In the Office Action, Claims 1, 3, 5, 11, 20, 26, and 29-33 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,410,344 (Graves). Claims 6, 23 and 28 are rejected under U.S.C. §103(a) over Graves in view of U.S. Patent No. 6,177,931 (Alexander). It is respectfully submitted that Claims 1, 3, 5-6, 11, 20, 23, 26 and 28-33 are patentable over Graves alone, and in view of Alexander for at least the following reasons.

From the outset, while it is noted that Claims 29-33 are indicated as rejected, there is no substantive rejection of the Claims 29-33 in the Office Action. It is noted that on page 4, line 11 (3rd full paragraph on the page) it is stated that "[r]egarding claims 26 and 29-33, Graves discloses ..." Yet claims 29-33 are of somewhat different scope and breadth than claim 26, yet the remarks presented that continue onto page 4 only attempt to

address the features of Claim 26. Accordingly, it is concluded that the Office Action contains no substantive rejection of Claims 29-33 that may be addressed or responded to. Accordingly, it appears that Claims 29-33 are allowable and notice to that effect is respectfully requested.

Graves is directed to a system for selecting audiovisual programs for presentation to a viewer using a screen display as shown in Fig. 5. Fig. 5 shows a screen display where the viewer, for each feature shown in the left column, may adjust the horizontal bar graph to a chosen rating (see, column 6, line 66 to column 7, line 1). Even if in arguendo, the listed features in Fig. 5 of Graves are collectively considered to correspond to a plurality of horizontal axes as appears to be asserted in the Office Action, these axes are each horizontal axes, or in other words, are axes that are parallel to each other and are not perpendicular to each other.

Alexander is introduced in support of rejecting some of the claims but does not cure the deficiencies in Graves.

Accordingly, it is respectfully submitted that the interface of Claim 1 is not anticipated or made obvious by the teachings of

Graves alone, or in combination with Alexander. For example, Graves, Alexander and combinations thereof do not disclose or suggest, an interface that amongst other patentable elements, comprises (illustrative emphasis added) "a television program profile interface having a multiplicity of axes, including:

a television viewer profile represented by weighted viewer preferences, different portions of which are selectable by traversing along at least one axis of the multiplicity of axes,

wherein the weighted viewer preferences are represented along a plurality of axes that are different than the at least one axis of the multiplicity of axes,

wherein at least two of the plurality of axes are perpendicular to each other" as required by Claim 1, and as substantially required by Claims 11 and 23.

Additionally, it is respectfully submitted that the interface of Claim 26 is not anticipated or made obvious by the teachings of Graves, Alexander and combinations thereof. For example, Graves, Alexander and combinations thereof do not disclose or suggest, an interface that amongst other patentable elements, comprises

(illustrative emphasis provided) "a television program profile interface having a multiplicity of axes, including:

a television viewer profile represented by weighted viewer preferences that proportionately change with respect to at least one axis of the multiplicity of axes, wherein the at least one of the multiplicity of axes has a profile view selecting mechanism that selects the profile view by traversing along the at least one axis, wherein at least one of the multiplicity of axes represents at least one activity not involved in viewing or listening to television" as required by Claim 26.

Accordingly, it is respectfully submitted that independent Claims 1, 11, 23 and 26 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that Claims 3, 5-6, 20 and 28 respectively depend from one of Claims 1 and 26 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

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foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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